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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, OCTOBER 10, 2000

PETITION OF

TXU ENERGY SERVICES

CASE NO. PUE000477

For waiver of licensing  
requirements

ORDER GRANTING PETITION

On September 14, 2000, TXU Energy Services ("TXU"), the successor to Enserch Energy Services, Inc., filed a Petition for Licensure Waiver ("Petition") with the State Corporation Commission ("Commission") requesting a waiver from compliance with a certain requirement contained in the Commission's Interim Rules Governing Electric and Natural Gas Retail Access Pilot Programs, 20 VAC 5-311-10 et seq. ("Interim Rules") as approved in the Commission's May 26, 2000, Final Order in Case No. PUE980812.<sup>1</sup> Specifically, TXU seeks a waiver from the requirement of the Interim Rules that any competitive service provider or aggregator participating in any natural gas retail access pilot programs previously approved by the Commission

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<sup>1</sup> Commonwealth, ex rel. State Corp. Comm'n, Ex Parte: In the matter of establishing interim rules for retail access pilot programs, Case No. PUE980812, Final Order (May 26, 2000), Document Control Center No. 000530236.

shall be required to file an application for licensure as a competitive service provider or aggregator.

In support of its Petition, TXU states that it is not actively marketing either natural gas or electric power in Virginia and has no immediate plans to do so in the future. TXU further states that it is supplying natural gas to only two customers in Virginia as part of a national accounts service program under contracts that end on February 1, 2001. TXU avers that it will seek a license if it should begin actively marketing gas or electricity in Virginia, or if its national accounts program causes it to supply such services to any other customer in Virginia.

NOW UPON CONSIDERATION, we are of the opinion that TXU's Petition should be granted.

Accordingly, IT IS ORDERED THAT:

(1) TXU hereby is granted a waiver from the licensure requirement of the Interim Rules.

(2) Should TXU desire to serve any customers other than the two customers it currently serves or should TXU desire to serve any additional location(s) of those two customers, or should the contracts ending February 1, 2001, be renewed, TXU shall obtain a license to act a competitive service provider or aggregator as required by the Interim Rules. Such licenses must be obtained before TXU may provide services to new customers or

to additional locations of current customers. If a license is sought due to renewal of current customer contracts, the license application must be filed before February 1, 2001.

(3) If none of the conditions in paragraph (2) above occurs, TXU shall have until February 15, 2001, to file with the Commission notification that it has completed and terminated its service obligations to its current customers.

(4) This matter is continued generally, and this docket shall remain open pending the receipt of the February 15, 2001, report or, alternatively, TXU's application for licensure as a competitive service provider or aggregator.